REMARKS

As requested in the accompanying Request for Change of Correspondence Address, applicant requests that future correspondence regarding this application be directed as follows:

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Claims 1-15 and 30-43 are pending. Claims 1-4 and 6-15 have been amended. Claims 16-29 have been cancelled. New claims 30-43 have been added. FIG. 1 has been amended. Minor amendments have been made to the specification to ensure that the specification is consistent with the drawings. No new matter has been added. Reexamination and reconsideration of this application are respectfully requested.

In the November 20, 2002 Office Action, the Examiner rejected claims 1-4 and 6-29 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,189,008 to Easty et al. Claim 5 was rejected under 35 U.S.C. §103(a) as being obvious over Easty et al., in view of U.S. Patent No. 5,805,804 to Laursen et al. These rejections are respectfully traversed with respect to the claims which remain pending, and in so far as is applicable, to the newly presented claims.

Embodiments of the present invention are directed to an automatic user preference detection system. A score calculation module determines a score for a media content file distributed by a media content file distribution source. The score is calculated based on a comparison of a length of time in which a user allows the media content file to be played at a user computing device relative to a total length of the

media content file. A database stores a preference file for a user of the media content file distribution source. The preference file is based on previously determined media scores for the user and a determination of local media content files stored on the user's computing device. A processing module modifies the preference file based on the score. The processing module further selects a second media content file to distribute to the user based on the preference file.

In the November 20, 2002 Office Action, the Examiner rejected claims 1-4 and 6-39 under 35 U.S.C. §102(e) as being anticipated by Easty et al. The Examiner rejected claim 5 under 35 U.S.C. §103(a) as being obvious over Easty et al., in view of Laursen et al. The Examiner stated that Easty et al. discloses an automatic user preference detection system having an accessing device to access attribute information, a database to store a preference file, and a program adapted to learn, based on the user's responses to the play of media content files, the user's media content file preferences. The Examiner further stated that Easty et al. does not disclose use of a user control point, but stated that Laursen et al. teaches use of a remote control as a user control point, and that it would have been obvious to combine the teachings of Easty et al. and Laursen et al.

Independent claim 1, as amended, recites (with emphasis added):

> An automatic user preference detection system, comprising:
> a score calculation module to determine a score for a media content file distributed by a media content file distribution source, wherein the score is calculated based on a comparison of a length of time in which a user allows the media content file to be played at a user computing device relative to a total length of the media content file;
> **a database to store a preference file for a user of the media content file distributi n source, the preference file being based on previ usly determined media scores for the user and a determination of l cal media content fil s stored on the user's c mputing device;**
> a processing module to modify the preference file based on the score,

wherein the processing module further selects a second media content file to distribute to the user based on the preference file.

Easty et al. discloses a digital media management system for providing digital media to end users in a network. The system includes a central facility having a central server 11 connected to a central database 12, and a plurality of endpoint servers 13 each connected to an endpoint database 14. [Col. 3, lines 30-35.] Each endpoint server 13 is connected to a communication network 15, to which end users or clients 16 are also connected. The system is used to deliver digital media to the users. An agenting section 13a of the endpoint server 13 communicates with a client agenting section 16a of the client software 16 on a user's PC to act as a personal assistant for the user, recommending contents to the user based on a user profile which reflects the user's preferences. [Col. 4, lines 15-22.] The user profile is determined based on information obtained when the user first signs up for the service, as well as from information transmitted by the client regarding the user's activities, such as the identity of the user, contents requested, date and time of each request, actual playing time of requested contents, stop signals, rating of the contents given by the user, etc. [Col. 4, lines 24-35.]

Laursen et al. discloses a method and apparatus for scalable, high bandwidth storage retrieval and transportation of multimedia data on a network. A service mechanism allows applications to be split such that client services (set-top boxes, personal digital assistants, etc.) can focus on presentation, while backend services running in a distributed server complex, provide access to data messaging across an absracted interface. Laursen et al. discloses use of a remote control device to control an application program for use with the method and apparatus.

However, neither Easty et al. nor Laursen et al., alone, or in combination, disclose, teach, or suggest, use of a database to store a preference file for a user of the media content file distribution source, *the preference file being based on previously determined media scores for the user and* **a determination of local media content files stored on the user's computing device**. Easty et al. discloses use of "user profile" which reflects the user's preferences, and that the user's preferences are deterimined based on demographic information provided when the user first subscribes to the service, as well as information acquired based on the user's activities, such as content requested, etc. However, Easty et al. does not teach basing a preference file on a determination of local media content files stored on the user's computing device. Determining the local media content files stored on the user's computing device allows a user preference file to be created with more precision than would be possible if such a determination were not made.

Accordingly, applicants respectfully submit that independent claim 1, as amended, distinguishes over Easty et al. and Laursen et al., alone or in combination. Claims 2-7 depend, directly or indirectly from independent claim 1, as amended, and therefore also distinguish over Easty et al. and Laursen et al., alone or incombination for the same reasons as those set forth above with respect to independent claim 1, as amended. Independent claims 9, as amended, 30 and 37 each contain limitations similar to those of independent claim 1, as amended, and therefore also distinguish over Easty et al. and Laursen et al. for the reasons similar to those set forth above with respect to independent claim 1, as amended. Claims 9-15 all directly depend from independent claim 8, as amended, and therefore also distinguish over Easty et al. and

Laursen et al. for the same reasons as those set forth above with respect to independent claim 8, as amended. Claims 31-36 all directly depend from independent claim 30, and therefore also distinguish over Easty et al. and Laursen et al. for the same reasons as those set forth above with respect to independent claim 30. Claims 38-43 all directly depend from independent claim 37, and therefore also distinguish over Easty et al. and Laursen et al. for the same reasons as those set forth above with respect to independent claim 37.

Accordingly, applicants respectfully submit that rejection of claims 1-4 and 6-15 under 35 U.S.C. §102(e), and of claim 5 under 35 U.S.C. §103(a), should be withdrawn.

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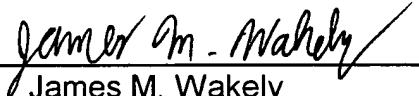
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Applicants believe that the foregoing amendments place the application in condition for allowance, and a favorable action is respectfully requested. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call either of the undersigned attorneys at the Los Angeles telephone number (213) 488-7100 to discuss the steps necessary for placing the application in condition for allowance should the Examiner believe that such a telephone conference would advance prosecution of the application.
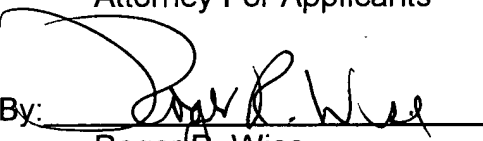
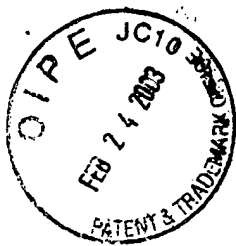Respectfully submitted,

PILLSBURY WINTHROP LLP

Date: February 19, 2003

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APPENDIX

IN THE DRAWINGS:

Please amend FIG. 1 as shown in red on the attached copy thereof.

IN THE SPECIFICATION:

Please amend the paragraph beginning with "For example, a score is calculated" on page 4, line 19, as follows:

"For example, a score is calculated <u>by a calculate score module</u>

<u>120</u> for each song played by the system based upon how early the "Next

Song" button is hit, if at all. A song receives the highest score if it plays

completely through. A song receives a low score if the "Next Song"

button is hit while it is playing. The earlier into its play the "Next Song"

button is hit, the lower the score. "

Please amend the paragraph beginning with "After a score is calculated" on

page 5, line 7, as follows:

"After a score is calculated and processed <u>by a processing module</u>

<u>125,</u> that score is added to a preference profile for the user 100. The

user's 100 preference profile, in conjunction with the preference database

130 is used to determine which songs to send to the user 100. The

preference database 130 contains a file with the user's 100 preference

profile, as well as the preference profiles of every other user who has a

profile with the system. The system analyzes the data in the preference database 130 and learns from patterns it detects. For example, if a user 100 typically listens to new wave hits from 80's English bands all the way through, the system will continue to play other similar songs. If, for example, the user typically listens to songs by Falco and the Human League in their entirety, the system will stream songs by other artists with many of the same attributes, such as Frankie Goes to Hollywood, to the user 100. The streamed song files are sent from an media content database 135 to the user's network-enabled entertainment cluster 115. This entertainment cluster 115 may include a computer 140, and a device for playing the songs, such as a stereo 145. In one embodiment, song files are downloaded by the computer 140, converted, and sent to the stereo 145 in a playable format."

IN THE CLAIMS:

Please amend claims 1-4, 6-15; cancel claims 16-29; and add new claims 30-43 as follows:

1.   (Amended)   An automatic user preference detection system, comprising:

[an accessing device to access attribute information of media content files] a score calculation module to determine a score for a media content file distributed to a user by a media content file distribution source, wherein the score is calculated based on a comparison of a

length of time in which the user allows the media content file to be played at a user computing device relative to a total length of the media content file;

a database to store a preference file for the [each] user of the media content file distribution source, [wherein] the preference file [for each user is utilized to determine which media content file to select to distribute to the user] being based on previously determined media scores for the user and a determination of local media content files stored on the user's computing device; and

a [program adapted to learn, based on the user's responses to the play of media content files, the user's media content file preferences] processing module to modify the preference file based on the score, wherein the processing module further selects a second media content file to distribute to the user based on the preference file.

2.   (Amended)   The system of claim 1, wherein the media content file[s are] is a music file[s].

3.   (Amended)   The system of claim 1, wherein a rate at which the [program learns the user's media content file preferences] processing module modifies the preference file is configurable.

4.   (Amended)   The system of claim 1, wherein the system [learns from] determines the length based on the user's responses made with a user control point.

6.   (Amended)   The system according to claim 1, wherein the

media content file[s are] is sent to the user [in] via an Internet stream.

7. (Amended) The system of claim 1, wherein the [program is configurable to] processing module periodically selects testing media content files [based upon alternative criteria] to distribute to the user, wherein the testing media content files are randomly selected to test whether the user's media content file preferences have changed.

8. (Amended) The system of claim 1, wherein the [program is further adapted to learn based on the responses of other users of the media content distribution source to the play of media content having similar attributes] processing module further modifies the preference file based on responses of other users having similar media preferences.

9. (Amended) An automatic user preference detection system, comprising:

a database to store a media content preference file for a user of a media content file distribution source, the preference file being based on previously determined media scores for the user, a score determined based on a comparison of a length of time in which the user allows a media content file to be played at a user computing device relative to a total length of the media content file, and a determination of local media content files stored on the user's computing device

a read/write device to read data from and write data to the database;

a [program adapted to learn, based on the user's responses to the

play of media content files, the user's media content file preferences] processing module to modify the preference file based on the score, wherein the processing module further selects a second media content file to distribute to the user based on the preference file.

10. (Amended) The system of claim 9, wherein the media content file[s are] is a music file[s].

11. (Amended) The system of claim 9, wherein a rate at which the [program learns the user's media content file preferences] processing module modifies the preference file is configurable.

12. (Amended) The system of claim 9, wherein the system [learns from] determines the length based on the user's responses made with a user control point.

13. (Amended) The system of claim 9, wherein the media content file[s are] is sent to the user [in] via an Internet stream.

14. (Amended) The system of claim 9, wherein the [program is programmable to] processing module periodically selects testing media content files [based upon alternative criteria] to distribute to the user, wherein the testing media content files are randomly selected to test whether the user's media content file preferences have changed.

15. (Amended) The system of claim 9, wherein the [program is further adapted to learn based on the responses of other users of the media content distribution source to the play of media content having similar attributes] processing module further modifies the preference file

based on responses of other users having similar media preferences.

Cancel claims 16-29

30. (New) A method of automatically detecting media content preferences, comprising:

determining a score for a media content file distributed to a user by a media content file distribution source, wherein the score is calculated based on a comparison of a length of time in which the user allows the media content file to be played at a user computing device relative to a total length of the media content file;

storing a preference file for the user of the media content file distribution source, the preference file being based on previously determined media scores for the user and a determination of local media content files stored on the user's computing device; and

modifying the preference file based on the score, wherein the processing module further selects a second media content file to distribute to the user based on the preference file.

31. (New) The method of claim 30, wherein the media content file is a music file.

32. (New) The method of claim 30, wherein a rate at which the preference file is modified is configurable.

33. (New) The method of claim 30, further including determining the length based on the user's responses made with a user control point.

34. (New) The method according to claim 30, further including

sending the media content file to the user via an Internet stream.

35. (New) The method of claim 30, further including periodically selecting testing media content files to distribute to the user, wherein the testing media content files are randomly selected to test whether the user's media content file preferences have changed.

36. (New) The method of claim 30, further including modifying the preference file based on responses of other users having similar media preferences.

37. (New) An article comprising a storage medium having stored thereon instructions that when executed by a machine result in the following:

determining a score for a media content file distributed to a user by a media content file distribution source, wherein the score is calculated based on a comparison of a length of time in which the user allows the media content file to be played at a user computing device relative to a total length of the media content file;

storing a preference file for the user of the media content file distribution source, the preference file being based on previously determined media scores for the user and a determination of local media content files stored on the user's computing device; and

modifying the preference file based on the score, wherein the processing module further selects a second media content file to distribute to the user based on the preference file.

38. (New) The article of claim 37, wherein media content file is a music file.

39. (New) The article of claim 37, wherein a rate at which the preference file is modified is configurable.

40. (New) The article of claim 37, wherein the instructions further result in determining the length based on the user's responses made with a user control point.

41. (New) The article of claim 37, wherein the instructions further result in sending the media content file to the user via an Internet stream.

42. (New) The article of claim 37, wherein the instructions further result in periodically selecting testing media content files to distribute to the user, wherein the testing media content files are randomly selected to test whether the user's media content file preferences have changed.

43. (New) The article of claim 37, wherein the instructions further result in modifying the preference file based on responses of other users having similar media preferences.
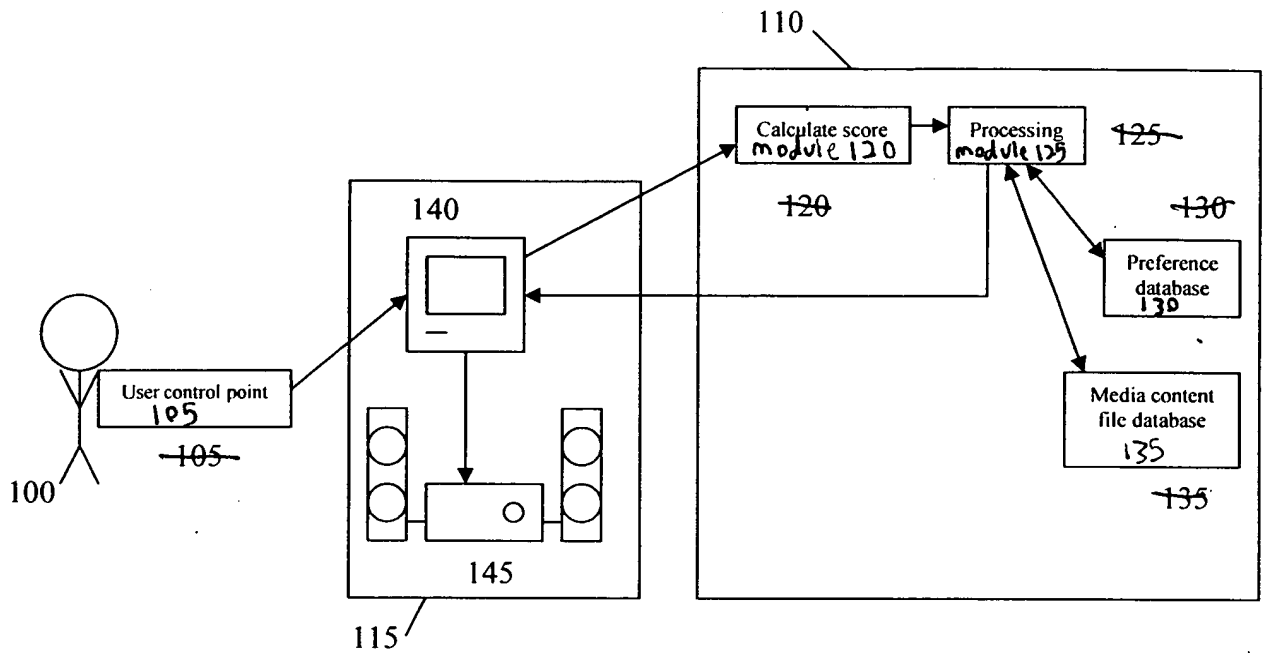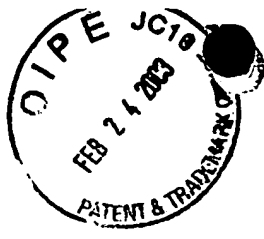
110

Calculate score
module 120

Processing
module 125

125

120

130

Preference
database
130

140

User control point
105

100

105

145

115

Media content
file database
135

135

Figure 1